

Roll called. Quorum present.

The President laid before the Senate the unfinished business, Senate concurrent resolution No. 2, relating to leasing the penitentiaries, which was pending on adjournment.

A message was received from the House informing the Senate of the passage by the House of substitute House bill No. 288, entitled "An act to amend article 2403, chapter 5, title 42, of the Revised Civil Statutes of the State of Texas, relating to commissions of county treasurers."

Taken up and referred to Judiciary Committee No. 1.

After full discussion, Senator Davis moved the previous question on the pending amendment.

Motion seconded, and main question ordered.

Senator Gooch's amendment to Senator Terrell's amendment was adopted by the following vote:

YEAS—20.

Buchanan,	Fowler,	King,
Chesley,	Getzendaner,	Matlock,
Cooper,	Gibbs,	Pope,
Davis,	Harris,	Shannon,
Evans,	Johnson of Collin,	Terrell,
Farrar,	Johnston of Shelby,	Traylor.
Fleming,	Jones,	

NAYS—6.

Houston,	Patton,	Perry,
Martin,	Peacock,	Randolph.

On this amendment the following Senators were paired:
Senator Gooch with Senator Pfeuffer.

Senator Stratton with Senator Kleberg.

The former Senators of each pair, and who were present, would have voted "aye," and the latter Senators of each pair, who were absent on the committee to meet and conduct to the capitol ex-President Diaz, of Mexico, and companions, would have voted "no."

Senator Terrell's amendment was then adopted by the following vote:

YEAS—20.

Buchanan,	Fowler,	King,
Chesley,	Getzendaner,	Peacock,
Cooper,	Gibbs,	Pope,
Davis,	Harris,	Shannon,
Evans,	Johnson of Collin,	Terrell,
Farrar,	Johnston of Shelby,	Traylor.
Fleming,	Jones,	

NAYS—6.

Houston,	Matlock,	Perry,
Martin,	Patton,	Randolph.

On this amendment the following Senators were paired, to-wit:

Senators Gooch and Pfeuffer.

Senators Stratton and Kleberg.

The first Senator of each pair would have voted "aye," and the latter named Senators of each pair would have voted "no."

Senator Traylor's amendment, "Amend, on page 14, last two lines, by striking out the words 'that the said leases be and they are hereby in all things ratified and affirmed,' and insert 'that the said leases be and they are hereby revoked,' and amend the caption to conform thereto," was then lost by the following vote:

YEAS—12.

Chesley,	Gibbs,	Randolph,
Davis,	Harris,	Shannon,
Farrar,	King,	Terrell,
Fowler,	Martin,	Traylor.

NAYS—13.

Buchanan,	Houston,	Patton,
Cooper,	Johnson of Collin,	Peacock,
Evans,	Jones,	Perry,
Fleming,	Matlock,	Pope.
Getzendaner,		

On this amendment the following named Senators were paired:

Senators Gooch and Pfeuffer.

Senators Collins and Johnston of Shelby.

Senators Stratton and Kleberg.

The first named Senators in each pair would have voted "aye," and the last named Senators in each case would have voted "no."

Senator Davis offered the following amendment:

Amend by adding "Provided, the State can, at any time, resume control of the convicts and the penitentiaries, and annul said leases, should the Legislature so desire."

General Diaz, ex-President of the Republic of Mexico, and suite were received in the Senate chamber, and General Diaz was invited to a seat on the right hand of President pro tem. Houston, which he accepted.

On motion of Senator Davis, the Senate took a recess of five minutes.

Recess expired, Senate met.

Roll called, quorum present.

Senator Pope moved a call of the Senate.

Call seconded.

Roll called. No Senators absent, except those excused, and Senate announced full.

Senator Pope moved to adjourn till 10 a. m. to-morrow.

Lost by the following vote:

YEAS—11.

Chesley,	Gibbs,	Patton,
Collins,	Johnston of Shelby,	Stratton,
Cooper,	Martin,	Traylor.
Evans,	Matlock,	

NAYS—18.

Buchanan,	Gooch,	Peacock,
Davis,	Harris,	Perry,
Farrar,	Houston,	Pope,
Fleming,	Johnson of Collin,	Randolph,
Fowler,	Jones,	Shannon,
Getzendaner,	King,	Terrell.

On motion of Senator Davis, the Senate adjourned till 9:55 a. m. to-morrow.

FORTY-EIGHTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, March 7, 1883. }

The Senate met pursuant to adjournment.

Hon. A. W. Houston, President pro tem., in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

On motion of Senator Pope the reading of the journal of yesterday was dispensed with, and the same approved.

The President gave notice of signing House bill No. 522, "An act to amend sections 3, 4, 5, 6, 11, 14, 15, 16, 18, 20, 21, 22, 23, 26, 28, 29, 30, 51, 52, 82, 90, 91, 117, 127, 128, 135, 140, 142, 147, 148, 151, 157, 158, 159, 161, 170 and 171, of 'an act to incorporate the city of Galveston, and to grant a new charter,' approved August 2, 1876, and amended by act of Legislature, approved April 5, 1881."

Senator Stratton, by request, introduced a bill to be entitled "An act to authorize the creation of private corporations for constructing, owning, maintaining and operating ship channels, ship canals, inlets, cuts, docks, breakwaters, basins, bulkheads, piers and wharves, in, upon or connected with tide water in this State."

Referred to Committee on State Affairs.

The President laid before the Senate Senate concurrent resolution No. 2, relative to leasing the penitentiary, this being the unfinished business of yesterday.

The resolution was taken up.

Senator Martin, having the floor, opened discussion on the resolution.

A message was received from the House, announcing the passage by that body of Senate bill No. 291, "An act for the relief of J. W. Chowning, H. Chowning, J. R. Sumner, W. P. Bean, R. F. Jones, J. A. Creager, J. P. Wilson, Geo. W. Darby, C. M. Byars, J. A. Stingley, T. W. Linkhart & Co., T. W. Robinson and Uel Musick, deceased."

The pending question on Senate concurrent resolution was the following amendment of Senator Davis:

"Amend by adding 'provided, the Senate can, at any time, resume control of the convicts and the penitentiaries, and annul said leases, should the Legislature so desire.'"

Senator Harris moved the previous question on Senator Davis' amendment.

Senator Chesley moved a call of the Senate.

Call sustained.

Roll called.

Senate announced full, and main question ordered.

Amendment of Senator Davis lost by the following vote:

YEAS—12.

Chesley,	Fowler,	Shannon,
Collins,	Harris,	Stratton,
Davis,	King,	Terrell,
Fleming,	Randolph,	Traylor.

NAYS—19.

Buchanan,	Houston,	Matlock,
Cooper,	Johnson of Collin,	Patton,
Evans,	Johnston of Shelby,	Peacock,
Farrar,	Jones,	Perry,
Getzendaner,	Kleberg,	Pfeuffer,
Gibbs,	Martin,	Pope.
Gooch,		

Senator Gooch offered the following amendment:

Amend the proviso as follows:

Strike out after the words "shall in no event be of longer duration than two years," the following words: "And the said lessees and their bondsmen shall, within thirty days after the passage of this resolution, file in the office of the Secretary of State, a written acceptance of said modification," and insert "and the said lessees, with their bondsmen, or with other bondsmen, shall, within thirty days from the time the last vote is taken on this resolution in either house, file in the office of the Secretary of State, a written acceptance of each modification, and of the whole contract as changed and modified."

Senator Davis offered the following amendment to the amendment of Senator Gooch:

Strike out "thirty" and insert "ten."

Lost by the following vote:

YEAS—6.

Buchanan,	Davis,	Harris,
Chesley,	Evans,	King.

NAYS—24.

Collins,	Houston,	Perry,
Cooper,	Johnson of Collin,	Pfeuffer,
Farrar,	Johnston of Shelby,	Pope,
Fleming,	Jones,	Randolph,
Fowler,	Kleberg,	Shannon,
Getzendaner,	Martin,	Stratton,
Gibbs,	Matlock,	Terrell,
Gooch,	Peacock,	Traylor.

Senator Johnston of Shelby moved the previous question on amendment of Senator Gooch, and the resolution.

Motion seconded and main question ordered.

The amendment of Senator Gooch was adopted.

The majority report was adopted by the following vote:

YEAS—16.

Buchanan,	Johnson of Collin,	Patton,
Cooper,	Johnston of Shelby,	Peacock,
Evans,	Jones,	Perry,
Fleming,	Kleberg,	Pfeuffer,
Getzendaner,	Matlock,	Pope.
Houston,		

NAYS—15.

Chesley,	Gibbs,	Randolph,
Collins,	Gooch,	Shannon,
Davis,	Harris,	Stratton,
Farrar,	King,	Terrell,
Fowler,	Martin,	Traylor.

Resolution passed by the following vote:

YEAS—16.

Buchanan,	Johnson of Collin,	Patton,
Cooper,	Johnston of Shelby,	Peacock,
Evans,	Jones,	Perry,
Fleming,	Kleberg,	Pfeuffer,
Getzendaner,	Matlock,	Pope.
Houston,		

NAYS—15.

Chesley,	Gibbs,	Randolph,
Collins,	Gooch,	Shannon,
Davis,	Harris,	Stratton,
Farrar,	King,	Terrell,
Fowler,	Martin,	Traylor.

Senator Farrar had the following entered on the journals as his reasons for voting against the confirmation of the penitentiary leases:

I vote against the confirmation of the leases, because I think it is improvident and unwise as a business measure. I cannot be brought to believe that the Penitentiary Board was influenced by improper motives in making this lease, and my vote upon this question cannot be deemed a criticism upon the action of the Penitentiary Board further than it may be regarded in the light of a purely business transaction. I think the penitentiaries should be leased, but upon terms more favorable to the State.

Senator Harris moved to suspend the regular order of business and take up substitute for House bills Nos. 5, 50, 416, 421 and 476, "An act to reorganize the fifth, seventeenth and thirty-fifth judicial districts, and to fix the times of holding the courts therein, and to change the times of holding the district courts in the seventh, fourteenth, twenty-fourth, twenty-ninth and thirty-fourth judicial districts, and in the counties of Kaufman, Sabine, San Augustine and Nacogdoches."

Adopted.

Bill taken up and read first time.

On motion of Senator Matlock, the rules were suspended to put bill on second reading by the following vote:

YEAS—28.

Buchanan,	Gibbs,	Matlock,
Chesley,	Gooch,	Patton,
Collins,	Harris,	Peacock,
Cooper,	Houston,	Perry,
Davis,	Johnson of Collin,	Randolph,
Evans,	Jones,	Shannon,
Farrar,	King,	Stratton,
Fleming,	Kleberg,	Terrell,
Fowler,	Martin,	Traylor.
Getzendaner,		

NAYS—none.

Bill read second time.

Senator Harris offered the following amendments:

1. After word "that," in first line of section 2, insert the words "from and after the first day of July, 1883."
2. Strike out the "county of Colorado" from the section wherever it occurs.
3. In line 30, page 3, strike out "fifteenth" and insert "fourteenth."
4. In line 3, page 4, strike out "eighteenth" and insert "seventeenth."
5. After the word "that," in line 1 of section 6, insert the words "from and after the first day of July, 1883."

6. In section 7, line 2, strike out "Williamson" and insert "Coleman."

7. Strike out lines 8 and 9, and the words "session seven weeks," in line 10 of section 7.

8. In line 15, section 7, after the word "weeks," insert the following: "In the county of Coleman, on the third Mondays in April and October, and may continue in session two weeks."

9. In line 15, section 7, strike out the word "first" and insert the word "second."

10. In lines 18 and 19, of section 7, strike out the "fourth Mondays in May and November" and insert "third Mondays after the second Mondays in May and November."

11. Amend caption so as to include the sixteenth judicial district.

12. Add another section, as follows:

Section —. The sixteenth judicial district shall be composed of the counties of Williamson and Travis, and the district courts shall be held therein as follows: In the county of Williamson on the second Mondays in May and November, and may continue in session six weeks. In the county of Travis on the first Mondays in January and July, and may continue in session until the business is disposed of.

Adopted.

Senator Matlock offered the following amendment:

Amend by striking from the bill, wherever they appear, the counties of Lubbock, Crosby, Dickens, Hockley, Cochran, Hale, Lamb, Bailey and Motley; and amend section 10, page 6, line 9, as follows: Strike out "third Mondays," and insert "second Mondays." In line 11, strike out "first Mondays in May and November" and insert the "fourth Mondays in April and October;" and in line 13, strike out "fourth Mondays" and insert "third Mondays."

Adopted.

Senator Harris offered the following amendment:

Amend by striking out the "twenty-fourth district" from the caption.

Adopted, and bill passed to third reading.

On motion of Senator Shannon, the rules were suspended to place the bill on its third reading by the following vote:

YEAS—25.

Buchanan,	Harris,	Peacock,
Chesley,	Houston,	Perry,
Collins,	Johnson of Collin,	Pfeuffer,
Davis,	Johnston of Shelby,	Pope,
Fleming,	King,	Randolph,
Fowler,	Kleberg,	Shannon,
Getzendaner,	Martin,	Terrell,
Gibbs,	Matlock,	Traylor.
Gooch,		

NAYS—none.

Bill read third time and passed by the following vote:

YEAS—30.

Buchanan,	Gibbs,	Patton,
Chesley,	Gooch,	Peacock,
Collins,	Harris,	Perry,
Cooper,	Houston,	Pfeuffer,
Davis,	Johnson of Collin,	Pope,
Evans,	Johnston of Shelby,	Randolph,
Farrar,	King,	Stratton,
Fleming,	Kleberg,	Shannon,
Fowler,	Martin,	Terrell,
Getzendaner,	Matlock,	Traylor.

NAYS—none.

Senator Fowler submitted the following minority report on Senate bill No. 236:

COMMITTEE ROOM,
AUSTIN, March 5, 1883.

Hon. Marion Martin, President of the Senate:

The undersigned members of your Committee on State Affairs, would respectfully represent that they do not concur in the report of the majority of said committee on Senate bill No. 236, entitled

"An act amendatory of an act approved August 9, 1876, entitled 'an act to incorporate the city of Dallas, and to grant a new charter to said city,' recommending that said bill do pass, for the following reasons, to-wit:

1. The charter of the city of Dallas, without the amendments proposed by the bill, confers upon the city of Dallas, so far as the proposed amendments are concerned, all the powers exercised by other cities in this State, and the amendments seem to us unnecessary.

2. A large number of the citizens of the city and county of Dallas are opposed to the proposed amendments, and have petitioned the Legislature to refuse to grant the same, and have, in our opinion, shown good and sufficient reasons for such refusal.

3. The bill, as recommended by the majority of said committee, confers upon the recorder's court of Dallas concurrent jurisdiction with other courts of all misdemeanors known to the laws of the State committed in corporate limits of said city. It limits the maximum punishment to be imposed in the city court to a fine of two hundred dollars and thirty days imprisonment. It provides that a trial in the city court shall be a bar to a prosecution in the other courts, the effect of which is to make the punishment of all misdemeanors, the maximum punishment of which is fixed by the laws of the State at more than a fine of two hundred dollars, and more than thirty days imprisonment, depend upon whether they were committed within or outside the city limits of Dallas city, and whether tried in the city or State court. For instance, take the case of aggravated assault. If committed in the city of Dallas and tried in the recorder's court, the punishment cannot exceed a fine of two hundred dollars and thirty days imprisonment, but if committed in the city and tried in the county court, or if committed in any other part of the State and tried in any other court having jurisdiction, the punishment might be as high as a fine of one thousand dollars and imprisonment of two years.

4. The bill as amended confers upon the city authorities the power virtually to license gamblers and prostitutes, and also exempts prostitutes from amenability to the State laws punishing vagrancy. The effect of this amendment, in our opinion, would be to encourage the commission of these offenses.

For the reasons above set forth, and without conceding the power of the Legislature under the Constitution to pass the bill as recommended, we respectfully recommend that the bill do not pass.

FOWLER,
RANDOLPH.

On motion of Senator Gooch, Senator Evans was excused for ten days, after with to-morrow.

Senator Gibbs moved to suspend regular order of business to take up Senate bill No. 333, "An act ceding to the United States government jurisdiction over certain property in the city of Dallas for the purpose of erecting a public building thereon."

Adopted by the following vote:

YEAS—22.

Chesley,	Getzendaner,	Pfeuffer,
Collins,	Gibbs,	Pope,
Cooper,	Harris,	Randolph,
Davis,	Johnston of Shelby,	Shannon,
Evans,	King,	Stratton,
Farrar,	Martin,	Terrell,
Fleming,	Patton,	Traylor.
Fowler,	Perry,	

NAYS—7.

Buchanan,	Johnson of Collin,	Matlock,
Gooch,	Kleberg,	Peacock.
Houston,		

Bill read second time and ordered engrossed.

On motion of Senator Gibbs, the rules were suspended to place the bill on its third reading by the following vote:

YEAS—30.

Buchanan,	Gibbs,	Patton,
Chesley,	Gooch,	Peacock,
Collins,	Harris,	Perry,
Cooper,	Houston,	Pfeuffer,
Davis,	Johnson of Collin,	Pope,
Evans,	Johnston of Shelby,	Randolph,
Farrar,	King,	Shannon,
Fleming,	Kleberg,	Stratton,
Fowler,	Martin,	Terrell,
Getzendaner,	Matlock,	Traylor.

NAYS—none.

Bill read third time and passed by the following vote:

YEAS—28.

Buchanan,	Gooch,	Peacock,
Chesley,	Harris,	Perry,
Collins,	Houston,	Pfeuffer,
Cooper,	Johnson of Collin,	Pope,
Davis,	King,	Randolph,
Evans,	Kleberg,	Shannon,
Farrar,	Martin,	Stratton,
Fowler,	Matlock,	Terrell,
Getzendaner,	Patton,	Traylor.
Gibbs,		

NAYS—none.

Senator Patton introduced a joint resolution "instructing the Attorney-General of the State of Texas to institute suit against the Houston and Texas Central Railroad Company for amount claimed to be due by them, as successors of the Washington County Railroad, to the public free school fund."

Referred to Committee on State Affairs.

The President referred House bill No. 525, "An act to remove the civil disabilities of Willie E. Harper, as a minor," to Committee on State Affairs.

On motion of Senator Pfeuffer, Senate bill No. 293, "An act to amend title 17, chapter 10, of the Revised Statutes of the State of Texas, by adding thereto articles 503a and 503b," was taken up out of its regular order, and read the third time.

Senator Martin offered the following amendment:

Strike out the words "said majority," and insert "the mayor of said city."

Adopted by the following vote:

YEAS—29.

Buchanan,	Gooch,	Peacock,
Chesley,	Harris,	Perry,
Collins,	Houston,	Pfeuffer,
Davis,	Johnson of Collin,	Pope,
Evans,	Johnson of Shelby,	Randolph,
Farrar,	King,	Shannon,
Fleming,	Kleberg,	Stratton,
Fowler,	Martin,	Terrell,
Getzendaner,	Matlock,	Traylor.
Gibbs,	Patton,	

NAYS—none.

The bill passed.

On motion of Senator Terrell, regular order was suspended to take up Senate bill No. 332, "An act to authorize the city of Austin to issue bonds for the purpose of constructing sewers, and to provide for payment of interest thereon."

Bill taken up and read second time.

Senator Terrell offered the following amendment:

Sec. 3. The late hour of the session at which this bill can receive consideration creates an emergency and an imperative public necessity that the rule requiring bills to be read on three several days be suspended, and that this bill take effect and be in force from and after its passage.

Adopted, and bill ordered engrossed.

On motion of Senator Terrell, rules were suspended, and bill placed on its third reading by the following vote:

YEAS—26.

Buchanan,	Gibbs,	Peacock,
Chesley,	Gooch,	Perry,
Collins,	Harris,	Pfeuffer,
Davis,	Houston,	Randolph,
Evans,	Johnson of Collin,	Shannon,
Farrar,	King,	Stratton,
Fleming,	Martin,	Terrell,
Fowler,	Matlock,	Traylor.
Getzendaner,	Patton,	

NAYS—none.

Bill read third time and passed by the following vote:

YEAS—25.

Buchanan,	Gibbs,	Peacock,
Chesley,	Gooch,	Perry,
Collins,	Harris,	Pfeuffer,
Davis,	Houston,	Randolph,
Evans,	King,	Shannon,
Farrar,	Martin,	Stratton,
Fowler,	Matlock,	Terrell,
Fleming,	Patton,	Traylor.
Getzendaner,		

NAYS—none.

On motion of Senator Fleming, the Senate adjourned till 3 o'clock p. m.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

President pro tem. in the chair.

Roll called. Quorum present.

Senator Johnson of Collin moved to suspend the regular order of business and take up Senate bill No. 315, "An act to provide for depositing the cash in the State Treasury in excess of the amount of the bond of the State Treasurer."

Adopted, and bill read second time with unfavorable report of the committee.

Senator Peacock moved to adopt the committee report which kills the bill.

Adopted by the following vote:

YEAS—20.

Buchanan,	Harris,	Peacock,
Chesley,	Johnson of Shelby,	Perry,
Cooper,	King,	Randolph,
Davis,	Kleberg,	Stratton,
Fowler,	Martin,	Terrell,
Getzendaner,	Matlock,	Traylor.
Gibbs,	Patton,	

NAYS—8.

Farrar,	Houston,	Pope,
Fleming,	Johnson of Collin,	Shannon.
Gooch,	Pfeuffer,	

Senator Fowler moved to suspend the regular order of business, and take up Senate bill No. 178, a bill to be entitled "An act to amend article 722 of the Penal Code of the State of Texas."

Adopted, and bill taken up and read third time.

A message was received from the House informing the Senate of the passage by the House of House bill No. 155, "An act to diminish the civil and criminal jurisdiction of the county courts of Matagorda, Camp, Houston, Mason, Kerr, San Patricio, Live Oak, Donley and Young counties."

Senator Matlock moved previous question on pending Senate bill No. 178.

Motion seconded, main question ordered, and bill passed by the following vote:

YEAS—17.

Chesley,	Gibbs,	Matlock,
Collins,	Harris,	Peacock,
Farrar,	Houston,	Perry,
Fleming,	Johnson of Collin,	Pope,
Fowler,	Johnson of Shelby,	Terrell.
Getzendaner,	Martin,	

NAYS—10.

Buchanan,	Kleberg,	Randolph,
Davis,	Patton,	Shannon,
Gooch,	Pfeuffer,	Traylor.
King,		

The President referred House bill No. 155, "An act to diminish the civil and criminal jurisdiction of Matagorda

and other counties," received from the House this evening, to Committee on Judicial Districts.

Senator Collins moved to suspend the regular order of business and take up Senate joint resolution No. 20, "requesting Senators and Representatives in Congress to perfect some treaty with the government of Mexico for the prevention of epidemic diseases on the border of the two republics."

Adopted.

Resolution taken up, read second time and ordered engrossed.

Senator Fleming, by permission, introduced a bill to be entitled "An act to validate the sales of certain lots and blocks of lands in the town of Coleman, Coleman county, made at private sale between the first day of September, A. D. 1876, and the first day of January, A. D. 1883, by J. F. Miles and W. O. Read, commissioners for Coleman county."

Referred to Judiciary Committee No. 1.

Senator Terrell presented a memorial from the citizens of Austin for amendment of city charter.

Referred to Judiciary Committee No. 1.

Senator Gooch, chairman of Judiciary Committee No. 2, submitted the following report:

COMMITTEE ROOM,
AUSTIN, March 7, 1883.

Hon. A. W. Houston, President pro tem. of the Senate.

Your Judiciary Committee No. 2, instruct me to report House bill No. 35, entitled "An act to amend article 426 of the Penal Code, as amended March 15, 1881," and recommend its passage.

GOOCH, Chairman.

Senator Peacock moved to suspend the regular order of business and take up Senate bill No. 254, a bill entitled "An act to adjust and settle the claims of J. B. Smith, for extra work in building temporary State capitol, and to make an appropriation therefor."

Adopted, and bill taken up and read second time.

Senator Gibbs offered the following amendment:

Amend by inserting "thirty-six hundred dollars" instead of "forty-four hundred and twelve dollars and ten cents."

Lost by the following vote:

YEAS—4.

Gibbs,	Kleberg,	Stratton.
Johnson of Collin,		

NAYS—19.

Buchanan,	Getzendaner,	Perry,
Chesley,	Harris,	Pfeuffer,
Collins,	King,	Pope,
Davis,	Martin,	Shannon,
Farrar,	Peacock,	Terrell,
Fleming,		Traylor.
Fowler,		

Bill ordered engrossed.

(Senator Buchanan in the chair.)

Senator Harris moved to suspend the regular order of business and take up Senate bill No. 323, "An act to redistrict the State into judicial districts, and prescribe the times of holding court therein, and to provide for the election of judges and district attorneys in said districts, at the next general election, to be held on the first Tuesday in November, A. D. 1884."

Adopted.

Bill taken up and made special order for to-morrow, immediately after morning call.

Senator Gooch, for Senate joint committee, submitted the following report:

COMMITTEE ROOM,
AUSTIN, March 7, 1883.

Hon. Marion Martin, President of the Senate:

Your joint committee have had under consideration the concur-

rent resolution relating to adjournment of the Legislature, and what the interest of the State demanded with regard to legislation. A majority instruct us to report that they are of opinion that the condition of the business before the Legislature will not justify them, at this time, in fixing a day certain for adjournment. They are of opinion that a day of adjournment should not be fixed until the bills on the following subjects are acted upon; and we recommend that during the morning sessions of each House, after morning call, bills upon the following subjects, and in order named, be given preference over the regular order, viz:

1. Amendments to the Constitution.
2. Appropriations.
3. Sale and lease of the public lands.
4. Educational affairs and funds.
5. Reorganizing judicial districts.
6. Penitentiary and penitentiary leases.
7. Railways and telegraphs.
8. Election laws.
9. Taxation and revenue laws.
10. Stock and stockraising.
11. Asylums.
12. Public roads.
13. Auditing State claims against the United States.

We call attention to the fact that constitutional amendments can only be acted on at regular sessions, and that the rule requiring bills to be read on three several days, in each House, cannot be suspended. It would be a public calamity not to propose amendments authorizing the investment of the funds now or hereafter in the treasuries of the State and counties belonging to the schools, asylums and public institutions. The amendment providing a separate levy of taxes for State and school purposes is of great consequence, and there are others pending of no inconsiderable importance. It would be unjustifiable, as we think, to adjourn without action on these questions, or to fail to pass appropriation bills, land bills, etc., and force an extra session of the Legislature. The business of the session has so far progressed and has been so carefully considered, that we will be able to dispatch it with greater rapidity from the present time forward.

GEORGE PFEUFFER,
J. R. FLEMING,
S. C. PATTON,
W. H. POPE,
JNO. YOUNG GOOCH,
Senate Committee.
OWEN BROWN,
WALTER ACKER,
R. C. FOSTER,
W. F. UPTON,
House Committee.

Senator Chesley moved to suspend regular order of business and take up Senate bill No. 206, "An act to amend article 1056, chapter 2, title 15, of the Code of Criminal Procedure."

Adopted, and bill taken up, read third time and passed by the following vote:

YEAS—26.

Buchanan,	Gibbs,	Perry,
Chesley,	Gooch,	Pfeuffer,
Collins,	Harris,	Pope,
Davis,	Houston,	Randolph,
Evans,	Johnson of Collin,	Shannon,
Farrar,	Kleberg,	Stratton,
Fleming,	Martin,	Terrell,
Fowler,	Matlock,	Traylor.
Getzendaner,	Peacock,	

NAYS—1.

King.

Senator Fowler entered a motion to reconsider vote adopting committee report on Senate bill No. 315, "An act for depositing the cash in the State Treasury in excess of the amount of the bond of the State Treasurer."

Senator Davis moved to suspend regular order of business, and take up Senate bill No. 68, "An act to amend articles 3707 and 3733 of the Revised Statutes."

Adopted.

Bill taken up, read third time and passed.

Senator Gibbs moved to suspend regular order of business and take up Senate bill No. 236, a bill to be entitled

"An act amendatory of an act approved August 9, 1876, entitled 'an act to incorporate the city of Dallas and grant a new charter to said city.'"

Adopted.

Bill taken up on its second reading.

Senator Gibbs moved to dispense with reading of bill in full on account of length.

(President pro tem. in the chair.)

Senator Gibbs offered the following substitute for first committee amendment:

Amend section 2 as numbered in bill, by adding the following:

Provided, That the new territory added to the city of Dallas by this act, shall not become a part of said corporation until a majority of those living in said new territory who are qualified to vote for members of the Legislature shall have voted to have such territory added to said city. When a majority of such qualified voters shall have so determined, from such date said territory or any part thereof, as set out in petition, and determined by vote, shall, for all purposes, become a part of said city of Dallas.

Whenever as many as forty qualified voters shall petition the county judge of Dallas county, he shall order an election to be held in the territory added by this act, or sought to be added or set out in the petition, and he shall appoint judges to hold such election under the forms of law, and he shall appoint a time and place for said election to be held, and give public notice thereof for twenty days, by publication in some daily newspaper published in the city of Dallas.

The county judge shall issue an order for the election within ten days after the aforementioned petition is filed with him, and within ten days after the election is held, shall announce the result to the city council of the city of Dallas, who shall pass such ordinances as are necessary to have surveyed and fully defined the boundaries of the new addition to said city.

The county judge shall not order an election for the above purposes unless the petition is first approved by a majority of the board of aldermen of the city of Dallas.

Adopted.

Substitute adopted as amendment to the bill.

Senator Terrell moved the previous question on the second committee amendment.

Motion seconded and main question ordered.

Second committee amendment adopted.

Senator Gibbs offered the following amendment:

"Amend by striking out section 109."

Adopted.

Also, the following:

Amend, in line 15, page 6, by striking out the following words: "Except in case of keeping disorderly houses, where the fine shall not exceed \$500."

Adopted.

Senator Harris offered the following amendment:

Amend so as to make the annexation of the territory dependent upon a majority vote of the legal voters who are owners of real estate situated in such territory.

Lost by the following vote:

YEAS—2.

Fowler,

Harris.

NAYS—26

Buchanan,

Gibbs,

Peacock,

Chesley,

Gooch,

Perry,

Collins,

Houston,

Pfeuffer,

Cooper,

Johnson of Collin,

Randolph,

Davis,

King,

Shannon,

Evans,

Kleberg,

Stratton,

Farrar,

Martin,

Terrell,

Fleming,

Matlock,

Traylor.

Getzendaner,

Patton,

Bill ordered engrossed.

Senator Gibbs moved to suspend rules to put bill on third reading.

Senator Fowler moved to adjourn until 10 o'clock tomorrow morning.

Lost by the following vote:

YEAS—5.

Buchanan,
Getzendaner.

Harris,
Matlock,

Shannon.

NAYS—20.

Chesley,
Collins,
Cooper,
Davis,
Evans,
Farrar,
Fleming,

Gibbs,
Gooch,
Houston,
Johnson of Collin,
King,
Kleberg,
Martin,

Peacock,
Perry,
Pfeuffer,
Stratton,
Terrell,
Traylor.

Rules suspended, and bill placed on third reading by the following vote:

YEAS—27.

Buchanan,
Chesley,
Collins,
Cooper,
Davis,
Evans,
Farrar,
Fleming,
Getzendaner,

Gibbs,
Gooch,
Harris,
Houston,
Johnson of Collin,
King,
Kleberg,
Martin,
Matlock,

Patton,
Peacock,
Perry,
Pfeuffer,
Randolph,
Shannon,
Terrell,
Traylor.

NAYS—1.

Fowler.

Bill read third time.

Senator Terrell moved the previous question on the passage of the bill.

Motion seconded and main question ordered.

Bill passed by the following vote:

YEAS—28.

Buchanan,
Chesley,
Collins,
Cooper,
Davis,
Evans,
Farrar,
Fleming,
Fowler,
Getzendaner,

Gibbs,
Gooch,
Harris,
Houston,
Johnson of Collin,
King,
Kleberg,
Martin,
Matlock,

Patton,
Peacock,
Perry,
Pfeuffer,
Randolph,
Shannon,
Stratton,
Terrell,
Traylor.

NAYS—none.

Senator Gibbs moved to reconsider the vote just taken, and to lay that motion on the table.

Adopted, and motion tabled.

Senator Patton had entered on the journals the following as his reasons for voting for the ratification of the penitentiary leases, or for Senate concurrent resolution No. 2, etc.:

I vote in favor of the ratification of the contract of lease, as modified, for the following reasons:

The law authorizes the lease of the penitentiary and convicts by the board who have made this lease, and authorizes or requires the ratification of the Legislature, investing the board with the power to lease and the Legislature with the power to ratify or amend, in my judgment, investing the Legislature with no higher powers or responsibility than that accorded to the Senate, under the Constitution and laws, which authorize said body to give, or refuse, its consent to appointments which the Executive is authorized to make. In voting upon a question of consent to an appointment made by executive power, I would not feel authorized to withhold my consent to the appointment made, for the reason that some applicant, in my opinion, better qualified for the position, had urged his claims for the place, and for like reasons I do not feel warranted, under my construction of the law in this case, in voting against the ratification of the present lease, for the reason that I may suppose or know that other would now offer the State more than the present lessees have agreed to pay.

I further hold that the revisionary power of the Legislature in this case should be exercised only when the acts of agents in the premises have been so flagrantly wrong as to establish fraud, either actual or constructive. The courts will not set aside a judicial sale on account of inadequacy of price paid for property sold, though this would claim the attention of the court, and in connection with flagrant acts of dereliction on the part of the State's agents, would warrant the setting aside of the sale. In the case of the present lease I have, after diligent enquiry, failed to discover any acts on

the part of the board, the State's agents, which, in my opinion, show fraud, either actual or legal, or even acts which had in fact a tendency to chill and diminish the price bid. Under these circumstances I hold that the Legislature has and should have no discretion beyond that which the courts exercise in cases of judicial sale. I am opposed to resumption; the condition of the convicts, in my opinion, does not depend upon the question of resumption or lease. In either event the majority of the convicts cannot be confined within the walls, but must be hired out to labor in private enterprises and under private supervision, and in either event the State has control of said contracts. Under the lease system the State has a certain and fixed contract which relieves her of the possible financial embarrassment in sustaining her penitentiary and convict system, and retains in her officers the control of her convicts. While resumption will force upon the State an investment in mechanical machinery, and the prosecution of private enterprises through unskilled officers and agents at great cost and expense, I concede that the advertisement for bids by the Penitentiary Board did not sufficiently set forth the character of lease made. Yet I think the lease the best that could have been effected at the time, and I therefore give my consent to its ratification.

PATTON.

Senator Fleming, for Judiciary Committee No. 1, by leave, submitted the following report:

COMMITTEE ROOM,
AUSTIN, March 7, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 355, a bill to be entitled "An act to validate the sales of certain lots and blocks of land in the town of Coleman, Coleman county, made at private sale between the first day of September, A. D. 1876, and the first day of January, A. D. 1883, by J. F. Miles and W. O. Read, commissioners for Coleman county," have carefully considered the same, and have instructed me to report the bill back to the Senate with the recommendation that it do pass.

The object of the bill is to validate the title to certain lots and blocks in the town of Coleman, in Coleman county, described in the bill, which were sold by commissioners appointed by the county commissioners' court, at private sale, instead of at public auction, as required by the statutes of the State. It appearing to your committee that the passage of the bill is requested by the commissioners' court of Coleman county, and that the county was enabled to obtain a better price for the lots and blocks by selling at private sale than at public auction, we see no objection to the bill becoming a law.

All of which is respectfully submitted.

FLEMING, for Committee.

On motion of Senator Fleming, the Senate adjourned till 10 o'clock a. m. to-morrow.

FORTY-NINTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, March 8, 1883. }

The Senate met pursuant to adjournment.

Senator Houston, President pro tem., in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

On motion of Senator Chesley, the reading of yesterday's journal was dispensed with, and the same adopted.

Senator Stratton presented a memorial and other documents from S. Mussena, complaining of the Texas Transportation Company.

Referred to Committee on Internal Improvements.

Senator Perry, chairman of Committee on Roads, Bridges and Ferries, submitted the following report:

COMMITTEE ROOM,
AUSTIN, March 8, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Roads, Bridges and Ferries, to whom was referred Senate bill No. 317, entitled "An act to authorize the purchase of bridges in the name and for the use of counties, and to provide for the payment thereof," have had the same under consideration, and a majority of said committee instruct me to report the same back and recommend that it do pass.

All of which is respectfully submitted.

PERRY, Chairman.

Bill read first time.

Senator Collins offered the following resolution:

Resolved, That hereafter at the evening session the first business in order, after calling the roll, shall be to call the names of the Senators alphabetically, as they appear on such roll, and when the name of a Senator is called he shall have the right to call up a bill out of its order and have it considered.

Referred to Committee on Rules.

The President laid before the Senate Senate bill No. 323, "An act to redistrict the State into judicial districts, and prescribe the times of holding courts therein, and to provide for the election of judges and district attorneys in said districts, at the next general election, to be held on the first Tuesday in November, A. D. 1884," the special order for this hour.

Senator Traylor offered the following as a substitute for section 18:

SEC. 18. The eighteenth judicial district shall be composed of the counties of Bosque, Hill and Johnson, and the district courts shall be held therein as follows: In the county of Bosque on the third Mondays of January and August of each year, and may continue in session six weeks. In the county of Hill on the sixth Monday after the third Mondays in January and August, and may continue in session six weeks. In the county of Johnson on the twelfth Monday after the third Mondays in January and August, and may continue in session until the business is disposed of.

Adopted.

Senator Chesley offered the following amendment:

Amend section 41 by adding "first, third, fourth, fifth, seventh, eighth, ninth, thirteenth, twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-fifth, twenty-eighth, thirty-first, thirty-second, thirty-fourth, thirty-fifth, thirty-sixth, thirty-seventh, thirty-eighth and thirty-ninth."

Adopted.

(Senator Gooch in the chair.)

Senator Stratton offered the following amendment:

Amend section 21, line 1, by striking out the word "Waller;" and strike out all of lines 7 and 8 of section 21.

Amend section 23, line 2, by adding after the word "Fort Bend" the words "and Waller;" and strike out in lines 13 and 14 in same section, "until business is disposed of," and insert "three weeks;" and add after that "in the county of Waller, on the seventeenth Monday after the first Mondays in January and July, and may continue in session until the business is disposed of."

Lost.

Senator Cooper offered the following amendment:

Be it enacted by the Legislature of the State of Texas, That said State shall be redistricted into the following judicial districts, and district judges and district attorneys shall be elected in said districts as hereinafter provided.

Adopted.

Senator Harris offered the following amendment:

Section 2, line 2, strike out "Angelina."

Section 2, strike out lines 10 and 11.

Section 9, line 2, strike out "Trinity" and insert "Angelina."

Section 9, line 10, strike out "Trinity," and insert "Angelina."

Section 12, line 2, after "Madison," insert "Trinity."

Section 12, between lines 3 and 4, insert the following: "In the county of Trinity, on the second Mondays in February and August, and may continue in session three weeks."

Adopted.

Senator Gooch offered the following amendments:

Amend section 2, page 2, line 7, so as to strike out "three weeks" and insert "four weeks," for San Augustine county.

Change the time of the beginning of Nacogdoches court